

Specter	Thompson	Warner
Stevens	Thurmond	Wellstone
Thomas	Torricelli	Wyden

NOT VOTING—4

Chafee	Helms
Glenn	Murkowski

The nomination was confirmed.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, for the information of all Senators, the next recorded vote will be the last vote tonight. Unfortunately, we have not been able to work out an agreement that will allow us to vitiate the cloture vote on the FDA reform bill tomorrow morning. So there will be a vote at 9:45. After that, Senator KENNEDY, assuming cloture is invoked, would have 4 hours of debate on FDA reform. We could go back to the Labor-HHS appropriations bill tomorrow for other amendments to be offered, but no further votes, other than the 9:45 vote.

On Monday, we will have FDA debate from 12 until 1. Then we will go to the Labor-HHS at Monday at 1. We will have a vote at 5 o'clock on Monday on either the Nickles amendment or any other amendment that Senators have taken up during the day, or any other pending amendment. I believe the McCain amendment is pending. We will have one vote at 5 o'clock on Monday. And then, on Tuesday, we will have other amendment votes, if there are any pending, at 9:30. We would complete the list we have agreed on, all amendments, and final passage on Labor-HHS sometime Tuesday afternoon, and then we will go to the FDA reform package, but not earlier than 4 o'clock.

I had hoped we could get an agreement that would allow us not to have had a cloture vote in the morning and be able to vitiate that. Senator KENNEDY didn't feel he could agree to that. I hoped that we would not have to have votes on Monday, but we could not get all that worked out. So that is the outline of the UC that I would like to renew. I have discussed this with Senator DASCHLE. The list has been worked over by everybody. So I would like to renew my request with respect to the Labor-HHS appropriations bill that I made earlier and ask consent, if cloture is invoked Friday on the FDA reform package, that there be up to 8 hours divided between Senators JEFFORDS and KENNEDY for debate on S. 830 and an additional 4 hours of debate on Monday, divided in the same fashion, beginning at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask that the Senate proceed to S. 830 following passage of the Labor-HHS appropriations bill, but not earlier than 4 p.m. on Tuesday, September 9.

Mr. WELLSTONE. Reserving the right to object, Mr. President. I want to ask a question. On Labor-HHS, amendments laid down by Monday, are you saying all amendments have to

then be dispensed with and voted on by Tuesday?

Mr. LOTT. By Tuesday afternoon. We don't have an exact time set. But looking at the list of amendments, we believe we can do that by 4 or 5 o'clock Tuesday afternoon.

Mr. WELLSTONE. That is not part of the agreement. I am sorry.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Let me repeat, we have, we believe, a finite list. All amendments have to be offered by the close of business Monday. Look, there is not a lot of really tough stuff on the list. We believe we can finish all amendments, and all amendments would have to have been offered by the close of business Monday. We believe we can be through at a reasonable hour Tuesday afternoon. We are not locking in final passage.

Mr. WELLSTONE. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. For the information of all Senators, again, there will be one vote at 9:50 on Friday. Any other votes ordered Friday or Monday before 5 will be stacked to occur on Tuesday morning, except for the one vote on Monday afternoon.

I yield the floor, Mr. President, and I ask that we proceed with the regular order.

NOMINATION OF FRANK M. HULL, OF GEORGIA, TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the nomination of Frank M. Hull, of Georgia, to be U.S. Circuit Judge for the Eleventh Circuit. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska [Mr. MURKOWSKI], the Senator from North Carolina [Mr. HELMS], and the Senator from Rhode Island [Mr. CHAFEE] are necessarily absent.

Mr. FORD. I announce that the Senator from Ohio [Mr. GLENN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 219 Ex.]

YEAS—96

Abraham	Brownback	Coverdell
Akaka	Bryan	Craig
Allard	Bumpers	D'Amato
Ashcroft	Burns	Daschle
Baucus	Byrd	DeWine
Bennett	Campbell	Dodd
Biden	Cleland	Domenici
Bingaman	Coats	Dorgan
Bond	Cochran	Durbin
Boxer	Collins	Enzi
Breaux	Conrad	Faircloth

Feingold	Kennedy	Reid
Feinstein	Kerrey	Robb
Ford	Kerry	Roberts
Frist	Kohl	Rockefeller
Gorton	Kyl	Roth
Graham	Landrieu	Santorum
Gramm	Lautenberg	Sarbanes
Grams	Leahy	Sessions
Grassley	Levin	Shelby
Gregg	Lieberman	Smith (NH)
Hagel	Lott	Smith (OR)
Harkin	Lugar	Snowe
Hatch	Mack	Specter
Hollings	McCain	Stevens
Hutchinson	McConnell	Thomas
Hutchinson	Mikulski	Thompson
Inhofe	Moseley-Braun	Thurmond
Inouye	Moynihan	Torricelli
Jeffords	Murray	Warner
Johnson	Nickles	Wellstone
Kempthorne	Reed	Wyden

NOT VOTING—4

Chafee	Helms
Glenn	Murkowski

The nomination was confirmed.

STATEMENT ON THE NOMINATIONS OF FRANK M. HULL AND HENRY HAROLD KENNEDY

Mr. LEAHY. I am encouraged that the Senate is taking up two of the nine judicial nominations on the Executive Calendar.

I am delighted that the Senate majority leader has decided to take up the nomination of Judge Frank M. Hull to be a U.S. Circuit Judge for the Eleventh Circuit Court of Appeals. Since 1994, the nominee has been a United States district judge for the Northern District of Georgia and prior to that she was a judge for the Superior Court of Fulton, County in Georgia. The ABA has unanimously found her to be well-qualified, its top rating. With the strong support of Senator COVERDELL and Senator CLELAND, this nomination has moved expeditiously through the committee and is being confirmed by the Senate. I congratulate Judge Hull and her family and look forward to her service on the Court of Appeals.

I am also delighted that the Senate majority leader has decided to take up the nomination of Judge Henry Harold Kennedy, Jr. to be a U.S. district judge for the District of Columbia. Since 1979, the nominee has been an associate judge for the District of Columbia and prior to that he was a U.S. magistrate. The ABA has unanimously found him to be well-qualified, its top rating. With the strong support of Senator THURMOND and Delegate ELEANOR HOLMES NORTON, this nomination has moved expeditiously through the committee and is being confirmed by the Senate. I congratulate Judge Kennedy and his family and look forward to his service on the district court.

With these confirmations the Senate will raise to 11 the number of Federal judges confirmed this year and exceed, for the first time this year, the snail-like pace of confirming one judge per month. The Senate pace will rise to an anemic 1.2 judges per month. Meanwhile, vacancies have continued to mount and the delays in filling vacancies continue to grow.